



United States Department of State

Washington, D. C. 20520

INFORMATION MEMORANDUM
S/S

~~CONFIDENTIAL~~

TO: The Secretary

THROUGH: ARA - Elliott Abrams

FROM: ARA/USOAS - Richard T. McCormack *RTM*

SUBJECT: Your Meeting with Contadora Foreign Ministers,
February 10, 1986

You mentioned on Monday, January 27 your interest in having a planning session to prepare for the meeting on February 10 with the Contadora Foreign Ministers.

The attached document might be the basis for part of the discussion with the Contadora Foreign Ministers. This was a study done some time ago by the Rand Corporation which examined how communists subsequently circumvented "peace accords" in Third World conflicts.

My own view is that a danger exists that this whole unfortunate history will be repeated again with the Contadora Agreements -- which I am convinced the Sandinistas will sign if and when the military pressure on them becomes genuinely threatening to the regime, as the available alternative to democratization and reconciliation.

I do not expect them to keep their accords with their neighbors, and I am convinced that the passionate desire of the Sandinistas to secure a bilateral agreement with the United States -- as was achieved by Cuba in the early 1960's -- is because they fully intend to continue being a source for the export of revolution, and want the same kind of political protection which Cuba enjoys as a consequence of the Kennedy-Krushchev understandings.

~~CONFIDENTIAL~~

DECL: OADR

CONFIDENTIAL

- 2 -

If we can focus part of the discussion on the themes in this Rand study, the Contadora Foreign Ministers might better understand our fundamental concern about an effective, verifiable agreement. At the very least it would give them something to ponder on the way home.

Attachment:

"Lessons from the Korean Armistice and Indochina Peace Accords," study by the Rand Corporation

Drafter: ARA/USOAS:RTMcCormack:jak
1/29/86 x9376 4239L

CONFIDENTIAL

LESSONS FROM THE KOREAN ARMISTICE AND INDOCHINA PEACE ACCORDS

Stephen T. Hosmer
The Rand Corporation

The U.S. experience with war termination agreements in Korea and Indochina provides some cautionary lessons on negotiating such agreements with communist belligerents in the Third World. The communist signatories have consistently and massively violated the 1953 Korean Armistice, the 1954 Geneva Accords on Indochina, the 1962 Declaration on the Neutrality of Laos, and the 1973 Paris Agreements on Ending the War and Restoring Peace in Vietnam.

MASSIVE AND PREPLANNED COMMUNIST VIOLATIONS

Despite the supervisory and control mechanisms designed to deter breaches of these agreements, the communist signatories were able to circumvent key provisions of all the agreements with relative ease and at little political cost. They began the most massive and militarily significant violations immediately after the agreements went into effect, suggesting that they were planning the infringements even as they were negotiating. For example:

- They started to violate subparagraph 13d of the Korean Armistice, which prohibited the introduction of war materiel into Korea except on a "piece-for-piece" replacement basis, within days of the truce signing, when communist MIGs began a major staging from Manchuria onto hastily reconstructed airfields throughout North Korea.
- North Vietnam made only the barest pretense of complying with Article 2 of the 1962 Declaration on the Neutrality of Laos, which required the withdrawal of all foreign troops from Laos "in the shortest time possible." Of the estimated 8,000 to 10,000 NVA forces in Laos in 1962, only 40 left the country through International Control Commission checkpoints.
- North Vietnam reneged immediately on its obligations under the 1973 Paris Accords to cease firing in South Vietnam, withdraw its forces from Cambodia and Laos, and refrain from introducing additional troops and war materiel into South Vietnam except on a one-for-one replacement basis. North Vietnam never observed the cease-fire and troop withdrawal requirements, and within little more than two months after it had signed the peace agreements, it had already infiltrated some 30,000 additional troops and over 30,000 tons of military equipment into South Vietnam.

- 2 -

THE FAILURE TO INVESTIGATE OR DOCUMENT VIOLATIONS

While omissions, ambiguities, and other weaknesses in treaty language sometimes facilitated communist evasions, they were not the major cause. Rather, the failure to officially monitor, investigate, and document violations as massive as those cited above was directly attributable to

1. The representation of East European states on the supervisory bodies and
2. The systematic obstructionism of the local communist signatories.

East European states were represented on all the so-called neutral nation and international supervisory commissions charged with facilitating and overseeing the execution of the Korean and Indochina war termination agreements. Because of the voting rules and/or numerical balance of the commissions, the East European states had a veto over nearly all important matters involving the commissions. And since the East Europeans acted as agents for their Asian communist clients, they invariably vetoed or otherwise attempted to obstruct any investigation, ruling, or other supervisory and control activity that might militarily hinder or politically embarrass their clients. At the same time, the East Europeans proved zealous in opposing any commission actions that might ease constraints on noncommunist forces and in urging the investigation of all possible violations by the noncommunist signatories.

Massive and systematic violations also went unmonitored, uninvestigated, and undocumented by the supervisory bodies because of the noncooperation and active obstructionism of the local communist signatories. Among the stratagems and evasions employed to thwart investigations and monitoring were the Asian communists' *refusal* to:

- Use the checkpoints designated in the agreements for controlling and monitoring the introduction of arms or withdrawal of forces.
- Allow supervisory teams access to communist-controlled checkpoints or military bases. North Korea, for example, never permitted Neutral Nation Supervisory Commission teams to monitor the ports of entry designated for all replacement arms transfers to North Korea.
- Provide the local transport or liaison officers necessary for supervisory team inspections in communist-controlled areas.
- Guarantee the safety of supervisory teams in communist-held areas. International Commission of Control and Supervision teams were forced to withdraw from several monitoring sites in

- 3 -

South Vietnam in 1973 because their aircraft or team members were fired on from communist-controlled areas.

Numerous other dodges and delaying tactics could be cited, but it should suffice to say that the Asian communist signatories were capable of impeding or blocking any supervisory or control activity that required their active or passive cooperation.

THE FAILURE TO DETER VIOLATIONS

Except where the agreements were to the communists' advantage or unimportant to the achievement of their long-term objectives, they complied only with those provisions of the agreements that the United States and its allies appeared *willing* to enforce and *capable* of enforcing on the battlefield. For example, while the North Koreans and the Chinese communists knew that a resumption of attacks across the Demilitarized Zone would invite a devastating (and probably nuclear) U.S. military response, they also realized that the United States and the other United Nations cobelligerents were unlikely to abrogate the Korean Armistice or resume hostilities simply to enforce the provisions constraining arms shipments to North Korea.

Similarly, once the North Vietnamese found that the United States would not mount a military response to their initial breaches of the 1973 Paris Accords, massive communist violations were inevitable. In short, the United States was unrealistic to assume that it could obtain terms from the peace table that it was unable or unwilling to enforce on the battlefield.

OFFENSIVES AS A PRELUDE TO AGREEMENT

Prior to the conclusion of the Korean Armistice and the various Indochina agreements, communist forces launched major attacks in an attempt both to strengthen their bargaining leverage in the negotiations and to improve their comparative battlefield position for a later resumption of the struggle. Thus, we saw communist forces suffer 135,000 casualties in a series of offensives during the weeks immediately preceding the July 1953 Korean truce; the Vietminh overrun Dien Bien Phu during the 1954 Geneva conference; the Pathet Lao and North Vietnamese rout the rightist Lao forces at Nam Tha in early 1962 during the final phases of the Geneva conference on Laos; and the North Vietnamese invade and launch a country-wide offensive against South Vietnam in spring and summer 1972. The Vietnamese communists also mounted a series of land grabbing attacks throughout South Vietnam both before and after the 1973 cease-fire was scheduled to take effect.

In the event that the United States again participates in negotiating a war termination agreement with communist belligerents in the Third World, decisionmakers must remember that

- 4 -

1. If the agreement is to succeed, the United States or its allies must have (or be perceived to have) the capability and will to enforce the agreement on the battlefield.
2. Even in the absence of East European or other communist states on the supervisory body, the local communist authorities will be capable of frustrating any enforcement activities that require their active or passive cooperation.